

Planning & Zoning Commission Meeting
Minutes of April 7, 2010
1st Floor North Conference Room - City Hall

Present: Chair Cindy Weeks; Vice-Chair Darryl Hart; Mark C. Brooks, Nathaniel Cannady and Jerome Jones

Absent: Mark Sexton and Holly Shriner

Pre-Meeting - 4:30 p.m.

The Commission and staff (1) heard an update on recent and upcoming activities of the Technical Review Committee; and (2) discussed plans for their upcoming retreat on April 29, 2010.

Regular Meeting - 5:00 p.m.

Chair Weeks called the meeting to order at 5:00 p.m. and informed the audience of the public hearing process.

Administrative

- ? Chair Weeks was pleased to welcome new Commissioner Mark C. Brooks and his expertise
- ? Mr. Jones moved to approve the minutes of the March 3, 2010, meeting. This motion was seconded by Mr. Cannady and carried unanimously by a 5-0 vote.
- ? Chair Weeks noted that when Steven Sizemore, former Planning & Zoning Commission member, arrives they will present him with a resolution of appreciation for his service to the City of Asheville
- ? Chair Weeks announced that the rezoning of property located at 61 Terminal Drive has been withdrawn.
- ? Chair Weeks announced that the Unified Development Ordinance amendment regarding creation of the Airport Zoning District has been withdrawn.

Agenda Items

- (1) Request to rezone a portion of property located at 18-20 Meadow Road from RS-8 Residential Single-Family High Density District to Urban Place District. The petitioner is Alpha International Investing Inc. and the contact is Joe Miller. The property is identified as PIN 9648.51-4121.**

Urban Planner Blake Esselstyn oriented the Commission to the site location and said that the property under review with this application is split zoned between Urban Place District (UP) and Residential Single Family High Density (RS-8). The property is approximately 3.14 acres. The UP portion of the property is located at the bottom of the slope adjacent to Meadow Road. The line dividing the two zoning districts was established many years ago when this parcel contained railroad tracks, and the railroad right-of-way was used as the dividing line. The railroad tracks have long since been removed, and while the zoning district boundary exists in zoning maps, it would be extremely difficult, if not impossible, to locate with "survey grade" precision on the ground.

One of the applicant's primary objectives in pursuing this rezoning is to re-establish the line with a description that can be precisely located on a modern survey. Potential developers of the property often wish to know exactly how much of the lot is commercially zoned, and at present, the property owner cannot furnish that information, owing to the situation described above.

Another objective of the rezoning is to shift the zoning district boundary north, not all the way to the property line, but far enough up the slope that some retention of the slope could be undertaken without a Conditional Use Permit (CUP) process. A retaining wall related to a commercial development, but within the residential zoning, would constitute an ancillary non-residential use in a residential district, which requires review as a CUP. According to the applicant, the prospect of additional substantial review steps and public hearings, even for a small wall, has discouraged potential developers.

Using a map, he explained that the applicant has requested that the zoning boundary be shifted north to an alignment 30 feet south of the northern property line. Under this proposal, then, a 30-foot strip of residential zoning would be preserved at the highest part of the lot, and the zoning district boundary could be precisely mapped relative to the property boundary. The northern boundary of the property is also separated from the adjacent residential uses by a 30 foot unopened right-of-way (created for Roebling Circle).

Staff feels that if a substantial retaining wall were to be proposed for this site, it is appropriate that it be reviewed as a CUP. Staff analysis suggests that any wall larger than a modest wall would require modification of the slope on the portion of the property which is proposed to be residentially zoned, triggering the higher standard of review.

Staff also recognizes the sensitivity of the St. Dunstan's historic residential district up the hill from the site, and feels that a significant separation should be maintained between the subject property and those lots. In staff's estimation, the combination of the vertical gap between the areas, the unopened right-of-way, and the proposed 30-foot-strip, as well as the landscape buffering which would be required, would combine to provide a suitable separation.

The applicant's proposal on the eastern boundary is that the existing boundary remain so that no commercially zoned property would be lost.

Staff has received two communications from the public regarding this rezoning. They requested further information. There has been no expression of opposition.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable.

Pros:

- ? Amount of property to actually change zoning designations is small.
- ? Proposed rezoning would allow location of the zoning boundary with high precision.
- ? Could encourage development of an underutilized property.

Con:

- ? Rezoning would allow commercial development slightly closer to the historic residential district than is currently allowed.

Staff views the proposed rezoning as an appropriate remedy and recommends approval.

In response to Mr. Cannady, Mr. Esselstyn said that the entire property is vacant.

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In response to Chair Weeks, City Attorney Oast explained why the extension act does not apply to this rezoning.

Using pictures, Mr. Joe Miller, property owner, explained the purpose of his request as outlined by Mr. Esselstyn. He explained how erosion is taking place on the property below the Roebling Circle road right-of-way in the residential zone. The purpose of the rezoning is to sustain the bank with a retaining wall, along with some erosion control measures. Any buildings that would be built would be on the Meadow Road elevation – over 100-feet below the St. Dunstan's Circle elevation. He showed a letter of support from an adjoining property owner (Gym Park).

Mr. Miller responded to Mr. Cannady about how the slope would be stabilized.

Chair Weeks opened the public hearing at 5:21 p.m. and when no one spoke, she then closed it at 5:21 p.m.

Based on the above findings and the analysis provided in the report, Mr. Jones moved to recommend approval to rezone a portion of property located at 18-20 Meadow Road from RS-8 Residential Single-Family High Density District to Urban Place District, and that the proposed boundary would be 30-feet south of the existing property line. This motion was seconded by Mr. Cannady and carried unanimously by a 5-0 vote.

Other Business

Chair Weeks announced (1) the Planning & Zoning Commission Retreat on Thursday, April 29, 2010, from 8:30 a.m. – 2:00 p.m. which will be comprised of a bus tour of various urban areas (meet at the Public Works parking lot at 161 S. Charlotte Street); (2) the next meeting on May 5, 2010, at 5:00 p.m. in the First Floor Conference Room in the City Hall Building; and (3) the resolution of appreciation would be presented to Mr. Sizemore at their May 5, 2010, meeting.

Adjournment

At 5:23 p.m., Mr. Jones moved to adjourn the meeting. This motion was seconded by Mr. Brooks and carried unanimously by 5-0 vote.